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|                              |   |                       |
|------------------------------|---|-----------------------|
| In re Application of         | : |                       |
| EVSLIN, et al.               | : | DECISION ON PETITION  |
| Application No.: 09/636,660  | : |                       |
| Filed: August 11, 2000       | : | UNDER 37 CFR 1.137(b) |
| Attorney Docket No.: 449/104 | : |                       |

This is a decision on the petition under 37 CFR 1.137(b), filed March 16, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the final Office action mailed May 13, 2005, which set a shortened statutory period for reply of three (3) months. While a timely reply was filed on July 08, 2005, that reply, an amendment, was improper as indicated in the Advisory Action mailed July 28, 2005. Accordingly, by operation of law, the above-identified application became abandoned on August 13, 2005.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a Request for Continued Examination (RCE) and submission as required by 37 CFR 1.114; (2) the petition fee and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the final Office action of May 13, 2005 is accepted as having been unintentionally delayed.

The application is being referred to Technology Center AU 2661.

As detailed in the present petition, the petition to revive under 37 CFR 1.137(a) was mistakenly filed. Therefore, it is not considered herein and the \$1500.00 submitted will be credited to deposit account no.: 50-0675.

Telephone inquiries concerning this decision should be directed to the undersigned.

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